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Filed In Open Court 9/1/05 (NT)

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,

Plaintiff,

V.

MARCUS ROBERTS,

Defendant.

Criminal Action No. 05-19-KAJ

MOTION AND ORDER TO DISMISS

NOW COMES the United States of America, by and through its attorney, Richard G. Andrews, First Assistant United States Attorney for the District of Delaware, and hereby moves this Honorable Court to dismiss Count II of the Indictment pursuant to the Memorandum of Plea Agreement dated May 31, 2005.

COLM F. CONNOLLY
United States Attorney

By: Richard G. Andrews
Richard G. Andrews
First Assistant United States Attorney

Dated: September 1, 2005

SO ORDERED this 1st day of April, 2005.

HONORABLE KENT A. JORDAN
United States District Court